

In re Google Digital Advertising Antitrust Litigation, Case No. 1:21-md-03010-PKC (S.D.N.Y.)

Caitlin Coslett <ccoslett@bm.net>

Fri 11/12/2021 1:18 PM

To: Sessions, Justina <jsessions@wsgr.com>; eric.mahr@freshfields.com <eric.mahr@freshfields.com>
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Tina and Eric,

I write on behalf of all private plaintiffs regarding Google's production of documents provided to the State Attorneys General. Please confirm that, in accordance with the Court's November 5, 2021 Order (ECF No. 168), Google will produce to all plaintiffs in the MDL, no later than November 26, 2021, all of the approximately 2 million documents that Google provided to the State Attorneys General, including the documents that also were produced to the DOJ. Please also confirm that the approximately 152,000 documents previously produced to the Publisher Class Plaintiffs and the Northern District of California Advertiser Class Plaintiffs will be produced with the same Bates stamps as in the prior production, or at least with the same numbers, starting with -001, even if the Bates prefix changes (to avoid unnecessary confusion).

There is no reason for Google to further delay producing these documents given (1) the Court's November 5, 2021 Order confirming the scope of the initial document production, and (2) all plaintiffs' agreement, with respect to this production, to be bound by the Interim Protective Order filed at ECF No. 156 and endorsed by the Court on October 27, 2021. The draft protective order was sent to Google three weeks ago, but Google has not yet provided any edits or comments. Until such time as a non-interim protective order is negotiated (the final terms of which are subject to further negotiation with all parties and of course review and entry by the Court), the Interim Protective Order enables the parties to expeditiously move forward as directed by Judge Castel's September 24, 2021 Order (ECF No. 129), seven weeks ago.

A November 26, 2021 production deadline comports with the Court's Order requiring production within 30 days after entry of a protective order. That said, it should not take longer than a day or two for Google to produce all of the required documents to the private plaintiffs since Google will simply be giving us a copy of the prior productions Google made to the States.

I am resending this email with Eric Mahr's corrected email address.

Regards,
Caitlin

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